

REMARKS

The Non-Final Office Action mailed June 16, 2008 and the references cited therein have been carefully considered. Claims 1-16 are now pending in the application, although Claims 1-9 are withdrawn from consideration. Claims 10 and 15 are hereby amended and Claim 17 is newly presented. The amendments to Claim 10 correspond to language contained in the specification and/or shown in the drawings, in particular, specification page 4, line 30 through page 5, line 6. Additionally, Claim 10 has been reformatted to structure the claim to conform with U.S. practice. Newly added Claim 17 includes terms previously included in Claim 15. Thus, no new matter has been added by the amendments.. Applicants respectfully request entry of these amendments and specifically respond below to the issues raised in the subject Office Action.

Claim Rejections under 35 USC § 112, Second Paragraph

In the Office Action, Claim 15 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In this regard, the Office Action indicates that there is insufficient antecedent basis for the limitation “each” in Claim 15. Accordingly, Claim 15 has been amended to delete that term. Thus, applicant respectfully requests entry of the above amendment to Claim 15 and that the rejection under 35 U.S.C. §112, second paragraph, be withdrawn.

Claim Rejections under 35 USC § 103(a)

In the Office Action, Claims 10-14 and 16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,251,318 to Arentsen et al. (**Arentsen**) in view of U.S. Patent

No. 3,970,732 to Slaats et al. (**Slaats**). Also, Claim 15 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Arentsen in view of Slaats and further in view of U.S. Patent No. 5,059,376 to Pontiff et al. (**Pontiff**). The Office Action contends that the combination of Arentsen and Slaats or the combination of Arentsen, Slaats and Pontiff disclose all the features of the rejected claims. Applicant respectfully traverses these rejections. The present invention as defined in the amended claims is clearly distinguished over Arentsen, Slaats and Pontiff, individually or collectively.

Arentsen discloses a process and apparatus for manufacturing biodegradable products by injecting polymers into a mold and heating the mold. However, as admitted in the Office Action at page 3, Arentsen fails to disclose the application of an overdose space in communication with the deaeration channel into which mass flows. Also, it should be noted that Arentsen further does not disclose or provide a reason to have the mass flow into such an overdose space while a blowing agent is activated. Further, Arentsen does not disclose reducing the pressure inside the mold once it is substantially filled with the mass. Notably, Arentsen does not disclose a pressure reduction to a point below the boiling pressure of the blowing agent. Further still, as Arentsen does not disclose an overdose space, it clearly does not disclose or provide any reason whatsoever to regulate the pressure in a controlled manner such that mass flows into that overdose space, as recited in Claim 10. Accordingly, Arentsen fails to disclose all the limitations of the claimed invention and the additional cited art also fails to teach or reasonably disclose such features.

In the Office Action at page 3, Slaats is cited as disclosing the introduction of a foamed article into a mold with a reduced pressure cavity. However, currently amended Claim 10 specifies that the pressure inside the mold cavity is reduced when the mold is substantially filled with the

mass. While Slaats discloses initially reducing the pressure while the cavity is filled, it does not disclose or provide a reason for reducing the pressure once the mold is substantially filled (see Slaats column 4, line 68 through column 5, line 4). Additionally, as with Arentsen as noted above, Slaats does not disclose having the mass flow into such an overdose space while a blowing agent is activated. Further, in Slaats the density is disclosed to be controlled by the amount of molding material introduced into the cavity (see Slaats column 5, lines 11-16). Thus, Slaats does not disclose controlling the density of the molding material by regulating the pressure in the deaeration channel as recited in the Claim 10. Further, as with Arentsen as noted above, Slaats does not disclose regulating the pressure in a controlled manner such that mass flows into that overdose space, as recited in Claim 10. Thus, both Slaats and Arentsen fail to disclose or provide any reason for including all the steps and/or features of the claims, and particularly independent Claim 10. Further still, there is no reason to modify either Arentsen or Slaats to arrive at all the claimed aspects of the invention.

In the Office Action at page 7, Pontiff is cited for disclosing that air passed through foam containing a blowing agent is recycled. However, it should be noted that although Pontiff teaches the use of hot air supplied through ports that can be either disposed of or recycled, there is no reasonable disclosure regarding the use of such hot air to dry and separate a blowing agent such that the blowing agent is recycled. Claim 15 as currently amended clearly indicates that gas from the deaeration channel is sucked away so that the gas is dried, such that the blowing agent is separated therefrom and recycled. Additionally, Pontiff fails to disclose the reduction of pressure or the overdose space as discussed above. Accordingly, Arentsen, Slaats and Pontiff individually or

combined fail to disclose or provide any reason for all the steps of the claims, particularly as recited in amended Claim 10. Also, there is no basis provided by any one of Arentsen, Slaats or Pontiff to modify these respective or collective disclosures to arrive at all the claimed aspects of the invention. Applicant therefore requests reconsideration of withdrawal of the rejections under 35 U.S.C. 103(a) based on Arentsen, Slaats or Pontiff or the combination thereof.

Applicant further submits that Claims 11-16, which ultimately depend from Claim 10 are patentable over the art of record by virtue of their dependencies. Further, Applicant submits that Claims 11-16 define additional patentable subject matter in their own right. Therefore, it is respectfully submitted that Claims 11-16 also are in condition for allowance.

Conclusion

Entry of the amendments herein and favorable consideration of Claims 10-16 are hereby solicited. In view of the foregoing amendments and remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested.

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Response to June 16, 2008 Non-Final Office Action

If the Examiner has any questions or suggestions to expedite allowance of this application, he is cordially invited to contact Applicant's attorney at the telephone number provided.

Respectfully submitted,

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